

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 35828

STATE OF IDAHO,)	2009 Unpublished Opinion No. 568
)	
Plaintiff-Respondent,)	Filed: August 17, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
JOSE ROSARIO JUAREZ,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Minidoka County. Hon. John M. Melanson, District Judge.

Judgment of conviction and unified sentence of ten years, with three years determinate, for driving under the influence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Elizabeth A. Allred, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Nicole L. Schafer, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, GUTIERREZ, Judge
and GRATTON, Judge

PER CURIAM

After having had five previous convictions for driving under the influence, Jose Rosario Juarez was charged with and pled guilty to his sixth offense of driving under the influence of alcohol, I.C. §§ 18-8004, 18-8005(5). The district court sentenced Juarez to a unified term of ten years, with three years determinate. Juarez appeals, contending that the district court abused its discretion by imposing an excessive sentence. Juarez had also contended that the state had breached its obligations under the plea agreement.¹

¹ The issue of whether the state breached its obligations under the plea agreement by recommending a sentence greater than it had agreed to recommend was withdrawn.

Where a sentence is within the statutory limits, it will not be disturbed on appeal absent an abuse of the sentencing court's discretion. *State v. Hedger*, 115 Idaho 598, 604, 768 P.2d 1331, 1337 (1989). We will not conclude on review that the sentencing court abused its discretion unless the sentence is unreasonable under the facts of the case. *State v. Brown*, 121 Idaho 385, 393, 825 P.2d 482, 490 (1992). In evaluating the reasonableness of a sentence, we consider the nature of the offense and the character of the offender, applying our well-established standards of review. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 170 P.3d 387 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by imposing the sentence. Accordingly, Juarez's judgment of conviction and sentence are affirmed.